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Witness Tampering Charged in Spy Case

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Defense attorneys for Richard Craig Smith, charged with selling national defense secrets to the Soviets, yesterday accused the government of "subtle witness tampering" in connection with potential defense witnesses.

In one instance a government psychologist retained by the defense was told by his supervisors he could not testify at the trial, Smith's attorneys told a federal judge in Alexandria.

They also accused federal prosecutors of threatening witnesses in Hawaii with prosecution if they talked to Smith's lawyers.

"We're upset about the continued witness tampering in this case," attorney A. Brent Carruth told U. S. District Judge Richard L. Williams.

Assistant U. S. Attorneys Joseph Aronica and Kenneth Melson denied that there has been coercion, intimidation or tampering of any sort.

At yesterday's pretrial hearing Williams also heard motions to allow introduction of newspaper articles and information about polygraph tests given Smith by the FBI. The judge is not expected to rule on any of the motions, including the allegations of witness tampering, until later in the week.

Smith, 40, a former Army counterintelligence specialist, is accused of providing the identities of six U.S. double agents to a Soviet KGB officer in Tokyo in exchange for \$11,000. If convicted of conspiring with the KGB officer or of transmitting national defense information, Smith could be sentenced to life imprisonment.

Smith contends he was working for two CIA contacts who gave him a Honolulu telephone number as his contact upon his return to the

United States. That number was one used at the now-defunct Honolulu investment firm of Bishop, Baldwin, Rewald, Dillingham and Wong, a firm alleged in lawsuits to have had extensive contacts with the CIA.

The trial, originally scheduled to begin last week, has been postponed indefinitely because the defense and prosecution have been unable to agree on what classified information, if any, will be allowed into evidence.

At yesterday's hearing, Carruth asked the judge to allow the psychologist, Dr. Robert Madson of St. Elizabeths Hospital, to appear for the defense. He said he did not believe the three prosecutors interfered directly in the case. "However, it is clear that the Government itself

interfered," according to court papers filed yesterday. The defense was notified last week that Madson would not be able to testify, Carruth said.

"Notification to the defense during the exact period that they are to be in trial that they cannot use a witness, after that very witness was told earlier that it was okay, is tantamount to witness tampering," the court papers stated.

Prosecutors said they believed the reason Madson was told not to testify for the defense is that his testimony would pose a conflict of interest since he is a government employe.

Carruth said defense attorneys have been denied access to another potential witness in Hawaii, who is a CIA employe.

Aronica responded that "what was brought to the attention of the attorneys of [the CIA employe and other potential witnesses] were the existence of court [gag] orders" issued by a federal judge in the Bishop, Baldwin investigation. Prosecutors, in turn, accused Carruth of making a "grandstand play before the press."

Aronica said Smith's story that he was working for the CIA was a "recent fabrication" and that Smith "recently made a magical connection to [Ronald] Rewald," former head of Bishop, Baldwin. To bolster their case, prosecutors want the right to introduce numerous newspaper articles, most of them from Hawaii, to show there was extensive publicity about Bishop, Baldwin and its alleged CIA connections last year.

Smith, who lived in Bellevue, Wash., prior to his arrest, has said he did not know about Bishop, Baldwin until after his release from jail in May, when the defense team traced his telephone number to the firm.